IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1433 OF 2006

Dadasaheb Bapuso Kadge ..Petitioner

versus

Sou. Kasturi Dadaso Kadge ..Respondent

Mr. Amit Borkar for the Petitioner.

Mr. V. B. Rajure for the Respondent.

CORAM : D. G. DESHPANDE, J.

DATE : 7TH MARCH, 2007

P.C. :

1. Heard Counsel for the Petitioner and the Respondent.

2. Rule. By consent, Rule returnable forthwith.

3. The petitioner is the husband. He has challenged the order of the Civil Judge, Senior Division, Ichalkaranji, dated 30.11.2005, by which he has been directed to pay maintenance at the rate of Rs.1,500/- per month from 18.2.2005.

4. Husband - petitioner does not dispute his relationship with the wife - respondent. However, he challenges the quantum on the ground that his annual income is Rs.40,000/-. He says that he earns Rs.2,500/- to Rs.3,000/- per month; he has to maintain child born out of the wedlock and also he has to maintain his parents. Therefore, Rs.1,500/- maintenance for the wife alone would leave no money for him to maintain child and his parents. He has shown willingness to pay maintenance at the rate of Rs.1,000/- per month.

5. I find the suggestion reasonable, amount also reasonable with reference to the earning capacity and actual income of the husband. The trial court does not appear to have taken these two aspects into consideration, namely, the liability of the husband to maintain his parents and the child who is seven years of age, and therefore, the petition is required to be allowed.

6. In the result, Petition is partly allowed. Maintenance amount of Rs.1,500/- as awarded by the Civil Judge, Senior Division, Ichalkaranji vide

order dated 30.11.2005, is reduced to Rs.1,000/- per month from 18.2.2005. Petitioner to clear all arrears within two months from today and go on paying maintenance at the rate of Rs.1,000/- per month, regularly. So far as this petition is concerned, no order as to costs. Rule answered accordingly.

(D.G. DESHPANDE, J.)